

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 2/10/2015	(3) CONTACT/PHONE Cheryl Cochran, Planner / 805-781-1366	
(4) SUBJECT Hearing to consider an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels, and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Continued from November 25, 2014. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board adopt the ordinance in Attachment 1 (Exhibit LRP2013-00007:A) based on the findings in Attachment 3 (Exhibit LRP2013-00007:C).			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>20</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>4/28/08, 11/4/2014, 11/25/2014</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cheryl Cochran, Planner

VIA: Trevor Keith, Division Manager

DATE: 2/10/2015

SUBJECT: Hearing to consider an amendment to the Building and Construction Ordinance, Title 19 of the County Code, changing the requirements for retrofitting of plumbing fixtures in connection with additions, remodels, and new development of residential, commercial and other structures within the Los Osos Groundwater Basin. Continued from November 25, 2014. District 2.

RECOMMENDATION

It is recommended that the Board adopt the ordinance in Attachment 1 (Exhibit LRP2013 -00007:A) based on the findings in Attachment 3 (Exhibit LRP2013-00007:C).

DISCUSSION

Your Board is holding a hearing on the ordinance in Attachment 1. This item was introduced on November 4, 2014 and reintroduced on November 25, and is described as follows:

County File No. LRP2013-00007 – Hearing to consider a request by the County of San Luis Obispo to amend Section 19.07042 (Water Conservation Provisions) of the Building and Construction Ordinance (Title 19 of County Code) to revise the existing program that requires new homes and businesses in the Los Osos Groundwater Basin to retrofit fixtures in existing homes and businesses to offset new water use. Supervisorial District: 2.

Background

Your Board established the Retrofit-to-Build program on April 22, 2008 by amending the Building and Construction Ordinance (Title 19 of the County Code). The Retrofit -to-Build program requires new development in Los Osos to offset twice the amount of its new groundwater demand.

Since 2008, the community has implemented several successful retrofit programs. The Retrofit-to-Build program is saving an estimated 23,700 gallons per day (about 27 acre-feet per year). This amount is equivalent to the daily usage of 158 new homes (built to today's efficiency standards) in Los Osos. The Retrofit-on-Sale program (Title 8) is saving an estimated 5,400 gallons per day (about 6 acre-feet per year). For context, this is the average water use of about 36 new homes (built to today's efficiency standards) in Los Osos. In addition, the rebate program that is run by the Public Works Department in connection with the community sewer project has resulted in the replacement of about 2,500 toilets with water-efficient models. The effect of these successful programs has been to greatly reduce the number of homes that are available for retrofitting, especially in certain areas of the community.

On January 14, 2014, your Board authorized processing of amendments to the Retrofit-to-Build program (Title 19) and the Retrofit -on-Sale program (Title 8) to address circumstances that have changed in the 6½ years since the

programs' adoption. This staff report addresses the proposed amendments to Title 19. A separate staff report addresses the proposed amendments to Title 8.

The proposed amendment was introduced on November 4, 2014 and reintroduced with additional changes on November 25, 2014. The proposed ordinance in Attachment 1 is now before your Board for final adoption. Attachment 2 shows the proposed ordinance amendment with legislative changes.

Proposed Revisions to the Retrofit-to-Build Program

1. Require that retrofitting occur only in the portion of the groundwater basin that is outside of the Prohibition Zone (PZ)

Residences in the PZ originally served as the main source of retrofit credits due to the age of the housing stock (older homes are more likely to have less water-efficient plumbing fixtures). However, the majority of residences in the PZ have already been retrofitted through the retrofit programs discussed above. In addition, residences in the PZ that have not been retrofitted will be required to retrofit plumbing fixtures prior to hooking up to the new community sewer system. Continuing the retrofit-to-build requirement in the PZ would not result in additional water savings, since those properties are already required to retrofit before hooking up to sewer system. Therefore, the proposed ordinance changes limit the source of retrofit credits to properties outside of the PZ.

2. Require retrofits with construction permits for any remodel

Title 19 requires that an applicant for a remodel of an existing structure retrofit plumbing fixtures in that existing structure before obtaining a building permit when the remodel includes replacement of plumbing fixtures. To be consistent with a new state law requiring low-flow fixtures with any building permit, the proposed ordinance change expands this retrofit requirement to apply to *any* remodel, whether or not it involves plumbing fixtures.

3. Revise the efficiency standards for urinals in commercial units

Since the adoption of the Retrofit-on-Sale program in 2008, staff has received complaints about waterless urinals, mainly related to maintenance issues and odors. Cleaning waterless urinals can require special training and equipment for maintenance staff because too much water flow during cleaning can damage the fixtures. Additionally, lack of flow can lead to long-term crystallization of urine in the pipes.

The Alliance for Water Efficiency acknowledges these concerns on their website, citing "issues of maintenance requirements (labor and materials), questions about the life expectancy of the liquid seal (or cartridge), concerns over build-up of urine solids (struvite) in the drain lines behind these fixtures, the undefined environmental impacts of disposed chemicals and cartridges, and, finally, issues with the economics or cost-effectiveness of non-water urinals..." While newer technology might help remedy these issues, the alliance for Water Efficiency recommends further research on this topic.

The proposed changes introduced at the November 25, 2014 Board hearing address these complaints and comply with the California Green Building Standards Code (Cal Green) requirements by requiring that urinals in commercial remodels, additions and new construction use no more than 0.5 gallons per flush (gpf) instead of 0 gallons per flush (waterless urinals). This change will allow builders and building owners to select urinals certified through the US EPA's WaterSense Program. WaterSense-labeled urinals use no more than 0.5 gpf and comply with existing standards for flushing urinals. To ensure adequate performance, urinals must also be independently certified to ensure that they flush effectively and have properly functioning drain traps before they can earn the WaterSense label.

4. Allow a one-time transfer of previously-issued water conservation certificates from a vacant PZ lot to a vacant lot outside of the PZ

Since the inception of the Retrofit-to-Build program in 2008, 10 of the 27 water conservation certificates have been issued to vacant properties in the PZ. Property owners stated that the primary reason for obtaining certificates was to ensure that they have water for their vacant lots at the time the wastewater project is completed. Some property owners have expressed concern that the certificates will not be valid in the future on PZ lots. Additionally, with adoption and implementation of the Basin Management Plan, lots in the PZ would benefit from increased water supply and might not need a water conservation certificate. The proposed amendments give these property owners the option of a one-time transfer of a previously-issued water conservation certificate to a specific property or land use permit outside of the PZ until January 1, 2019 provided the County is not in a drought emergency as declared by your Board. These certificates represent completed retrofit work that has saved water but has not yet been applied toward a new building permit.

5. Revise the efficiency standard for showerheads

Title 19 currently requires that showerheads use no more than 2.5 gallons per minute (gpm). CalGreen requires that showerheads in new construction use no more than 2 gpm. To be consistent with this requirement, the proposed amendment requires that showerheads in remodels, additions and new construction use no more than 2 gpm.

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendment was referred to the Los Osos Community Advisory Council and the Los Osos Community Services District. Staff presented the proposed changes to the Los Osos Advisory Council on September 25, 2014. This ordinance amendment has been reviewed by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

No financial impacts to the current County budget.

RESULTS

Adopting this amendment will allow a one-time transfer of water conservation certificates that have been issued to parcels in the PZ to specific parcels or building permits outside of the PZ. It will also remove the PZ as a source of retrofit credits and will amend the water efficiency standards for showerheads and urinals.

ATTACHMENTS

1. Attachment 1. Exhibit LRP2013-00007:A: Title 19 Amendments
2. Attachment 2. Exhibit LRP2013-00007:B: Title 19 Legislative Changes
3. Attachment 3. Exhibit LRP2013-00007:C: Findings